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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-93-0233 GEB GGH P

vs.

GERARD GALLANT,

Movant.

ORDER

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Movant, a federal prisoner proceeding pro se, filed, on June 25, 2008 (docket # 228), an amended motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255, which superseded his preceding § 2255 motion, filed on June 6, 2008 (docket # 227). Pursuant to the court's order, filed on February 5, 2009 (docket # 241), this matter proceeds before the undersigned on the amended § 2255 motion, and the court will now direct briefing on that matter. (See also, docket entries # 238, # 240, and # 242).

Accordingly, IT IS ORDERED that:

1. This matter proceeds on movant's amended motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255, filed on June 25, 2008 (docket # 228), which has superseded the § 2255 motion, filed on June 6, 2008 (docket # 227).

2. Since movant may be entitled to the requested relief if he can establish a

1 violation of his constitutional rights, respondent is directed to file an answer to the amended  
2 motion, filed on June 25, 2008 (docket # 228), within thirty days of the effective date of this  
3 order. See Rule 4, Rules Governing Section 2255 Proceedings.

4 3. Respondent shall include with the answer any and all transcripts or other  
5 documents relevant to the determination of the issues presented in the motion. Rule 5, Rules  
6 Governing Section 2255 Proceedings. Movant's traverse, if any, is due on or before thirty days  
7 from the date respondent's answer is filed.

8 4. The Clerk of the Court shall serve a copy of this order, together with a copy of  
9 movant's amended motion, filed on June 25, 2008 (docket # 228), on the United States Attorney  
10 or his authorized representative.

11 DATED: May 5, 2009

12 /s/ Gregory G. Hollows

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UNITED STATES MAGISTRATE JUDGE

14 GGH:009  
15 gall0233.ord